Transition Silviculture, 2004
Proposed Rule Language

[45 Day Notice circulated April 9, 2004]

Amend 14 CCR §§ 913.2, 933.2, 953.2 Regeneration Methods Used in Unevenaged Management [All Districts, Note variations by District in (a)(2)(A)(1)]

Unevenaged management is utilized to establish and maintain an unevenaged stand structure. Unevenaged management attributes include the establishment and/or maintenance of a multi-aged, balanced stand structure, promotion of growth on leave trees throughout a broad range of diameter classes, and encouragement of natural reproduction.

(a) Selection Under the selection regeneration method, the trees are removed individually or in small groups sized from .25 acres to 2.5 acres.

(1) Trees to be harvested or trees to be retained shall be marked by or under the supervision of the RPF prior to felling operations. When openings greater than .25 acres will be created, the boundaries of the small group(s) may be designated in lieu of marking individual trees within the small group areas. A sample area must be marked prior to a preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(2) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. In no case shall stocking be reduced below the following standards:

(A) Selection System.

1. On Site I lands at least [125 Coast] [100 Northern & Southern] square feet per acre of basal area shall be retained.

2. On Site II and III lands at least 75 square feet per acre of basal area shall be retained.

3. On Site IV and V lands at least 50 square feet per acre of basal area shall be retained.

4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to 14 CCR § 913.11 [933.11, 953.11] (a) or (b), the residual stand shall contain sufficient trees to meet at least the basal area, size, and phenotypic quality of tree requirement specified under the seed tree method.

(B) Group Selection.

1. At least 80% of the stocked plots must meet the Basal Area stocking standards of 14 CCR § 913.2(a)(2)(A), [933.2(a)(2)(A); 953.2(a)(2)(A)].

2. Not more than 20% of the stocked plots may meet stocking standards utilizing the 300 point count standard with trees that are at least 10 (ten) years old.

3. An RPF or supervised designee may offset up to 8 plots per 40 plots where those plot centers are initially placed within small group clearings created during the current harvest. Unless substantially damaged by fire, the RPF or supervised designee shall not exclude small group clearings created by previous timber harvesting from the stocking survey.

4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to 14 CCR § 913.11 [933.11, 953.11] (a) or (b), the residual stand shall contain sufficient trees to meet at least the basal area, size, and phenotypic quality of tree requirements specified under the seed tree method.

(3) Within any THP, small group clearings under the selection method shall be separated by a logical logging area.

(4) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(5) Exceptions to stocking standards in 14 CCR § 913.2(a)(2), [933.2(a)(2), 953.2(a)(2)] above may be granted only when proposed by the RPF and explained and justified in the plan, but in no case will the exceptions be less than specified in 14 CCR § 912.7 (b)(2), [932.7(b)(2), 952.7(b)(2)]. Exceptions may only be granted when the RPF clearly demonstrates that the existing stand will grow substantially less than both the potential site productive capacity and the proposed post harvest stand.

(b) Transition. The transition method may be used to develop an unevenaged stand from a stand that currently ~~has an unbalanced irregular or evenaged structure~~ does not contain sufficient trees to meet the minimum basal area, size and phenotypic quality requirements specified under the seed tree method, 14 CCR § 913.1(c)(1)(A), [933.1(c)(1)(A), 953.1(c)(1)(A)]. The transition method involves the removal of trees individually or in small groups from irregular or evenaged stands to create a balanced stand structure and to obtain natural reproduction.

(1) Area for determination of preharvest stocking levels shall be no greater than 20 acres in size.

(~~1~~2) This method is to be used ~~no more than twice~~ to increase stocking and improve the balance of age classes so as to allow the residual stand to be managed by the selection ~~or group selection~~ regeneration method. This method may not be used more than two times for a stand.

(~~2~~3) Stands suitable for the transition method contain adequate quantity and quality of seed producing trees to provide adequate regeneration for new age classes. ~~Stands suitable for this method have no more than 25 sq. ft. of basal area greater than the selection basal area standards. Area for determination of preharvest stocking levels shall be no greater than 20 acres in size if such a breakdown will change the stocking levels of individual areas.~~

(~~3~~4) Trees to be harvested or trees to be retained shall be marked by or under the supervision of a~~n~~ RPF before felling operations. A sample area must be marked before the preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present.

(45) Immediately following the completion of timber operations on the first use of this method, the minimum basal area standards in 14 CCR § 912.7(b)(2), [932.7(b)(2), 952.7(b)(2)] shall be met.

(~~5~~6) ~~Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to 14 CCR § 913.11, [933.11, 953.11] (a) or (b),~~ The harvested residual stand shall

contain sufficient seed trees, 12 inches dbh or greater, to provide at least 15 square feet of basal area per acre for timber sites I, II or III; or 12 square feet of basal area per acre for timber sites IV or V. Unless obviously stocked, these basal area requirements will be determined from sampling averaged across each harvested area required in 14 CCR § 913.2, [933.2, 953.2](b)(1). Disease free, undamaged seed trees 18 inches dbh or greater will be retained post harvest until the stand exceeds the minimum seed tree requirements, 14 CCR § 913.1, [933.1, 953.1](c)(1)(A). ~~to meet at least the basal area, size, and phenotypic quality of the leave tree requirements specified under the seed tree method~~ The seed trees shall be full crown, capable of seed production and representative of the best phenotypes available in the present stand.

(~~6~~7) Following completion of timber operations (including site preparation) not more than 20 percent of the ~~THP~~ Plan area harvested by this method shall be ~~covered~~ occupied by small group clearings.

(~~7~~) ~~No sooner than ten years following completion of the first entry with this method a second harvest using this method may be conducted.~~

(~~A~~) ~~The standards of (1), (2), (3), (4), (5), (6) and (7) above shall apply to the second entry of Plan areas previously harvested using the transition method.~~

(~~B~~8) The ~~THP~~ Plan ~~s~~Submitter must provide the Director

sufficient information such as growth and stand description to demonstrate that the standards of the selection regeneration method will be met for the third and subsequent entries of Plan areas harvested by the transition method ~~selection harvests~~.

Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

Amend 14 CCR §§ 913.11, 933.11, 953.11 Maximum Sustained Production of High Quality Timber Products

The goal of this section is to achieve Maximum Sustained Production of High Quality Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or (b) or (c) in a THP, SYP or NTMP, or as otherwise provided in Article 6.8, Subchapter 7.

(a) Where a Sustained Yield Plan (14 CCR 1091.1) or Nonindustrial Timber Management Plan (NTMP) has not been approved for an ownership, MSP will be achieved by:

(1) Producing the yield of timber products specified by the landowner, taking into account biologic and economic factors, while accounting for limits on productivity due to constraints imposed from consideration of other forest values, including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment and aesthetic enjoyment.

(2) Balancing growth and harvest over time, as explained in the THP for an ownership, within an assessment area set by the timber owner or timberland owner and agreed to by the Director. For purposes of this subsection the sufficiency of information necessary to demonstrate the balance of growth and harvest over time for the assessment area shall be guided by the principles of practicality and reasonableness in light of the size of the ownership and the time since adoption of this section using the best information available. The projected inventory resulting from harvesting over time shall be capable of sustaining the average annual yield achieved during the last decade of the planning horizon. The average annual projected yield over any rolling 10-year period, or over appropriately longer time periods for ownerships which project harvesting at intervals less frequently than once every ten years, shall not exceed the projected long-term sustained yield.

(3) Realizing growth potential as measured by adequate site occupancy by species to be managed and maintained given

silvicultural methods selected by the landowner.

(4) Maintaining good stand vigor.

(5) Making provisions for adequate regeneration. At the plan submitter's option, a THP may demonstrate achievement of MSP pursuant to the criteria established in (b) where an SYP has been submitted but not approved.

(b) Where a SYP or NTMP is submitted for an ownership, an approved SYP or NTMP achieves MSP by providing sustainable harvest yields established by the landowner which will support the production level of those high quality timber products the landowner selects while at the same time:

(1) meeting minimal stocking and basal area standards for the selected silvicultural methods as provided in these rules as described;

(2) protecting the soil, air, fish and wildlife, water resources and any other public trust resources;

(3) giving consideration to recreation, range and forage, regional economic vitality, employment and aesthetic enjoyment;

(4) balancing growth and harvest over time. The projected inventory resulting from harvesting over time shall be capable of sustaining the average annual yield achieved during the last decade of the planning horizon. The average annual projected yield over any rolling 10-year period, or over appropriately longer time periods for ownerships which project harvesting at intervals less frequently than once every ten years, shall not exceed the projected long-term sustained yield. A THP which relies upon and is found to be consistent with an approved SYP shall be deemed adequate to achieve MSP.

(c) In a THP, or NTMP, MSP is achieved by:

(1) For evenaged management, meeting the minimum stand age standards of 913.1, [933.1, 953.1](a)(1), meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these rules only with group A species, and protecting the soil, air, fish and wildlife, water resources and other public trust resources through the application of these rules; or

(2) For unevenaged management, complying with the seed tree retention standards pursuant to 913.1, [933.1, 953.1](c)(1)(A) or 913.2, [933.2, 953.2](b)(6), meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these rules only with group A species, and protecting the soil,

air, fish and wildlife, water resources and other public trust resources through the application of these rules.

(3) For intermediate treatments and special prescriptions, complying with the stocking requirements of the individual treatment or prescription.

(4) Timberland ownerships totaling 50,000 acres or less may use subsection (c) to show MSP.

(5) Timberland ownerships of 50,000 acres or more may use subsection (c) through December 31, 1999. Thereafter they may use subsection (c) if an SYP or demonstration of achievement of MSP pursuant to 913.11(a) [933.11(a), 953.11(a)] has been filed with the department and has not been returned unfiled or approved.

(6) For scattered parcels on timberland ownerships of 50,000 acres or more, subsection (c) may be used to show MSP.

Authority cited: Sections 4551 and 4554.5, Public Resources Code. Reference: Sections 4513, 4551.5, 4561 and 21080.5, Public Resources Code.

transitionpleading_3_29_04.doc